

**PUBLIC LAW 104-201—SEPT. 23, 1996 110 STAT.
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(1) unless the following requirements, whichever are applicable in a particular case are satisfied:

"(A) In a case in which the election is required by a court order, or in which an agreement to make the election has been incorporated in or ratified or approved by a court order, the person—

"(i) furnishes to the Secretary concerned a certified copy of a court order which is regular on its face and which modifies the provisions of all previous court orders relating to such election, or the agreement to make such election, so as to permit the person to change the election; and

"(ii) certifies to the Secretary concerned that the court order is valid and in effect.

"(B) In a case of a written agreement that has not been incorporated in or ratified or approved by a court order, the person—

"(i) furnishes to the Secretary concerned a statement, in such form as the Secretary concerned may prescribe, signed by the former spouse and evidencing the former spouse's agreement to a change in the election under paragraph (1); and

"(ii) certifies to the Secretary concerned that the statement is current and in effect.

"(3) REQUIRED FORMER SPOUSE ELECTION TO BE DEEMED TO HAVE BEEN MADE—

"(A) DEEMED ELECTION UPON REQUEST BY FORMER SPOUSE.—If a person described in paragraph (2) or (3) of section 1448(b) of this title is required (as described in subparagraph (B)) to elect under section 1448(b) of this title to provide an annuity to a former spouse and such person then fails or refuses to make such an election,

such person shall be deemed to have made such an election if the Secretary concerned receives the following:

"(i) REQUEST FROM FORMER SPOUSE.—A written request, in such manner as the Secretary shall prescribe, from the former spouse concerned requesting that such an election be deemed to have been made.

"(ii) COPY OF COURT ORDER OR OTHER OFFICIAL STATEMENT.—Either—

"(I) a copy of the court order,

regular on its
face, which requires such election or
incorporates.
ratifies, or approves the written
agreement of such
person: or
"(II) a statement from the clerk of
the court
(or other appropriate official) that such
agreement
has been filed with the court in
accordance with
applicable State law.

"(B) PERSONS REQUIRED TO MAKE ELECTION.—A
person
shall be considered for purposes of
subparagraph (A) to
be required to elect under section 1448(b)
of this title
to provide an annuity to a former spouse if—

"(i) the person enters, incident to a
proceeding
of divorce, dissolution, or annulment, into a
written
agreement to make such an election and
the agreement
(I) has been incorporated in or ratified or
approved
by a court order, or (II) has been filed
with the court